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By Overnight Delivery

Hon. Howard R. Lloyd
United States Courthouse
280 South 1st Street
San Jose, CA 95113

Re: *In Re Acacia Media Technologies Corp.*, Case No. 05-CV-1114 JW

Dear Judge Lloyd:

This letter follows up on EchoStar's submission to the Court regarding the technical consultant in the above-captioned case. On June 21, 2005, Judge Ware issued a proposed order appointing Mr. Ranier Schultz as a technical expert and setting forth a procedure to deal with any objections to that order. On June 30, 2005, Acacia filed objections; on June 30, 2005, EchoStar and a group of other defendants responded to those objections; and on July 25, 2005, Acacia filed a reply brief. The matter is fully briefed and is now pending before the Court.

Pursuant to an order filed by Judge Ware on June 21, 2005, there will be a hearing on certain claim construction issues on September 8-9, 2005. EchoStar believes that it may assist Judge Ware to have the issue regarding the technical consultant resolved before that hearing.

Sincerely,

Rachel Krevans / by MK

Rachel Krevans

cc: All Counsel (by e-mail)

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